

**Serial No.: 10/653,199**

a Substitute Declaration executed by Yukio Matsubara has also been concurrently filed, in accordance with the recommendation of Mr. Jay Gandhi of the Office of Petitions.

***Claim Rejections Under 35 U. S. C. § 102***

Claims 1-3 are rejected under 35 U. S. C. 102(e) as being clearly anticipated by Maeda et al. (U.S. Pat. No. 6,666,931). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

The instant inventor, Yukio Matsubara, is the coinventor of U. S. Pat. No. 6,666,931 (the '931 patent), along with Kikuo Maeda. Yukio Matsubara and Kikuo Maeda have both provided attached declarations under 37 C.F.R. § 1.132, setting forth that Yukio Matsubara is the sole inventor of the subject matter of instant claims 1-3. Because Yukio Matsubara is the sole inventor of the claimed subject matter and the instant application was copending with the '931 patent, the '931 patent is not prior art under 35 U.S.C. § 102 against the instant application. Applicant submits that the section 102 rejection of claims 1-3 should be withdrawn.

In view of the above amendments and remarks, Applicant submits that this application should be allowed and the case should be passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

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extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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